

**MINUTES FOR THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**May 23, 2006**

DIVISION ONE

Court convened at 9:00 a.m.

Present: Mallano, Acting P.J., Vogel (Miriam A.), J., Rothschild, J. and  
P. Gonzalez, Deputy Clerk.

Mallano, Acting P.J., announces the absence of Presiding Justice Spencer. Spencer, P.J. will participate in oral argument by listening to the audio recordings of argument. Those not willing to waive her presence on the bench, should so state, otherwise any objection is deemed waived.

Each of the following:

B180115	People v. Dixon
B182167	People v. Jonathan M.
B182647	People v. Bernal
B182913	People v. Tackwood
B183843	People v. Christian P.
B184214	People v. David J.
B184260	People v. Denham et al.
B185080	People v. Luis M.
B185143	People v. Maynard
B185961	DCFS v. Jacqueline E.
B188185	People v. Alamouti

Argument waived, cause submitted.

Each of the following:

B185649	People v. Caldwell
B186679	People v. Caldwell

Argument continued to June 20, 2006.

DIVISION ONE (Continued)

B181186 Kim v. Shin

Argument continued to July 26, 2006.

B175530 Nora Armenta, Qui Tam et al.  
v.  
Mueller Co., et al.

Appearances:

Eric R. Havian for appellants, David MacCuish for respondent, Watts Industries, Inc., and Charles Kriendler for respondents, James Jones et al. In light of Spencer, P.J. not being present for oral argument, the parties request that the matter be continued to the June calendar.

Counsels' request is granted. The matter is continued to June 20, 2006 at 9:00 a.m.

B185676 Thomas Kenneth Mills  
v.  
Los Angeles County Sheriff's Department

Merits:

Argued by James A. Busalacchi, Jr. for respondent and no appearance by appellant. Cause submitted.

B178036 John R. Pollitt  
v.  
J. Patrick Maginnis

Merits:

Argued by J. Jeffrey Morris for appellant and by Marc J. Poster for respondent. Cause submitted.

DIVISION ONE (Continued)

B182104 City of Santa Monica  
B184549 v.  
Guillermo Gonzalez

Merits:

Argued by Stan Stern for appellant and by Adam Radinsky, Deputy City Attorney for respondent. Cause submitted.

B186760 In Re ANDREW M., a minor.  
Department of Children and Family Services  
v.  
Alicia M.

Merits:

Argued by Lori A. Fields for appellant and by Kim Nemoy, Deputy County Counsel for respondent. Cause submitted.

B189338 County of Los Angeles, District Attorney's Office  
v.  
Superior Court, Los Angeles County  
(Melissa Greenstein, r.p.i.)

Merits:

Argued by Jin S. Choi for petitioner and by Steven D. Archer for real party in interest. Cause submitted.

Rothschild, J., leaves the bench.

DIVISION ONE (Continued)

B188345      Bob Parrett Construction, Inc., et al.  
                 v.  
                 Superior Court, Los Angeles County  
                 (Northrup Grumman Space and Mission Systems Corp., r.p.i.)

Merits:  
Argued by Gregory P. Barbee for real party in interest, and appearance with  
argument waived by Michael C. Dennison for petitioners. Cause  
submitted.

Rothschild, J., resumes the bench.

B183333      Frank Singer  
                 v.  
                 Raytheon Aircraft Services

Merits:  
Argued by Arthur Wasserman for appellant and by Jeff Spahn for  
respondent. Cause submitted.

Rothschild, J., leaves the bench.

B179370      Gene Harris et al.  
                 v.  
                 Verizon Communications, Inc., et al.

Merits:  
Argued by William W. Palmer for appellants and by James C. Rutten for  
respondents. Cause submitted.

Rothschild, J., resumes the bench.

DIVISION ONE (Continued)

B182480      Crusader Insurance Co.  
                 v.  
                 Harry W. Gorst Company, Inc.

Merits:

Argued by Terry Kinigstein for appellant and by Kristin Weiler Dean for respondent. Cause submitted.

Vogel, J., leaves the bench.

B170157      Onofre Serrano  
                 v.  
                 Kevin Large, et al.

Merits:

Argued by David E. Azar for appellant and by J. Conrad Schroeder for respondents and appearance by Christina B. Arndt for respondent Angres. Cause submitted.

B181504      In Re the a Matter of OLESKY Family Trust  
                 Mark Simon  
                 v.  
                 Cynthia Giammarrusco et al.

Merits:

Argued by Kenneth Wolf for appellants and by Michael A. Greene for respondent. Cause submitted.

B185428      George Nicholaw  
                 v.  
                 Infinity Broadcasting Corp.

Merits:

Argued by Neil C. Papiano for appellant and by Christopher G. Caldwell for respondent. Cause submitted.

## DIVISION ONE (Continued)

B184667 Christian Preciado, a Minor., etc.  
v.  
County of Los Angeles, et al.

Merits:

Argued by Melinda Cartrall for appellants and by Luis Carrillo for respondent. Cause submitted.

Court adjourned.

DIVISION THREE

[illegible]

Myers's conviction for grossly negligent discharge of a firearm (count 6) is ordered stricken. The judgment is modified to credit Myers with an additional day of presentence custody credit, for a total of 322 days of presentence custody credit, plus 48 days of presentence conduct credit. The clerk of the superior court is ordered to prepare an amended abstract of judgment and forward a copy to the Department of Corrections. In all other respects the judgment is affirmed.

Aldrich, J.

We concur: Klein, P.J.  
Kitching, J.

B185922 People (Not for Publication)  
v.  
Robert McCaskill

The judgment is affirmed.

Aldrich, J.

We concur: Klein, P.J.  
Kitching, J.

DIVISION THREE (Continued)

B178628      The People ex rel. Wayne Strumpfer      (Certified for Publication)  
v.  
Westoaks Investment #27, et al.  
Matheney, etc., et al.

The order from which Ventura has appealed is reversed and the cause is remanded for further proceedings consistent with the views expressed herein. Ventura Westoaks Investment #27 and Westoaks Investment #58 will all bear their own costs on appeal.

Croskey, J.

We concur: Klein, P.J.  
Aldrich, J.

B183503      White      (Not for Publication)  
v.  
Allstate Insurance Company

The judgment is affirmed. White is to pay Allstate's costs on appeal.

Croskey, J.

We concur: Klein, P.J.  
Kitching, J.

B181033      Hyde, et al.      (Not for Publication)  
v.  
City of Glendale, et al.

The judgment is affirmed. The City is to recover its costs on appeal from the Hydes.

Croskey, J.

We concur: Klein, P.J.  
Kitching, J.

DIVISION THREE (Continued)

B182872      Richmond                      (Not for Publication)  
                 v.  
                 Morse

The judgment is affirmed. Richmond is to pay the Morses' costs on appeal.

Croskey, J.

We concur: Klein, P.J.  
                 Kitching, J.

B179847      Swartz                                      (Not for Publication)  
                 v.  
                 American Bioscience, Inc., et al.

The summary judgment from which plaintiff has appealed is affirmed.  
Costs on appeal to defendant.

Croskey, J.

We concur: Klein, P.J.  
                 Kitching, J.

DIVISION FOUR

B183518      Deravanessian et al.                      (Not for Publication)  
                 v.  
                 Berjikian et al.

The judgment is affirmed. Respondent(s) to recover costs.

Hastings, J. (Assigned)

We concur: Epstein, P.J.  
                 Willhite, J.



DIVISION FOUR (Continued)

B182726      Alexander and Michael O., Minors, etc. et al.      (Not for Publication)  
v.  
Los Angeles County Department of Children and Family Services

The judgment is affirmed.

Hastings, J. (Assigned)

We concur:   Epstein, P.J.  
                 Willhite, J.

DIVISION FIVE

B189765      Bill Henderson                              (Not for Publication)  
v.  
SCLA  
County of Los Angeles et al.,

The petition for writ of mandate is granted. Respondent court is directed to vacate its order of March 7, 2006, granting McSweeney's motion to strike the complaint and enter a new and different order denying that motion. Costs are not awarded in this proceeding.

Kriegler, J.

We concur:   Turner, P.J.  
                 Armstrong, J.

B180569      Patricia Heisser Metoyer                              (Not for Publication)  
v.  
Screen Actors Guild et al.,

The judgment is affirmed. Defendants are to recover costs on appeal.

Kriegler, J.

We concur:   Turner, P.J.  
                 Mosk, J.

DIVISION FIVE (Continued)

B179812 William Richert  
v.  
Ronald Marinaro

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment)

DIVISION SIX

B185579 People (Not for Publication)  
v.  
Ibanga

The judgment (order of commitment) is affirmed.

Coffee, J.

We concur: Yegan, Acting P.J.  
Perren, J.

B178000 People (Certified for Publication)  
v.  
Cars 4 Causes

The judgment is reversed and the matter is remanded for a new trial consistent with the views expressed in this opinion. Costs on appeal are awarded to appellants.

Perren, J.

We concur: Gilbert, P.J.  
Yegan, J.

B178385 Jonkey  
v.  
Carignan Construction Co., et al.

Filed order denying petition for rehearing.

DIVISION SIX (Continued)

B178473      Camacho et al.                      (Not for Publication)  
                 v.  
                 Meridian Neurocare

The judgment is affirmed. Costs on appeal are awarded to the Camachos.

Perren, J.

We concur:   Yegan, Acting P.J.  
                 Coffee, J.

DIVISION SEVEN

B182772      People                                      (Not for Publication)  
                 v.  
                 Luton

The judgment is affirmed.

Perluss, P.J.

We concur:   Johnson, J.  
                 Zelon, J.

B183686      In re Richard R., a minor                      (Not for Publication)  
                 Los Angeles County, D.C.S.  
                 v.  
                 Richard R.

The juvenile court's June 14, 2005 visitation order is affirmed as to Richard R. Toni M.'s appeal from the June 14, 2005 visitation order is dismissed as moot.

Johnson, J.

We concur:   Perluss, P.J.  
                 Zelon, J.

## DIVISION EIGHT

B181523      Hile,                                  (Not for Publication)  
v.  
Cliffinger Chevrolet,

The judgment is reversed only as to the trial court's denial of attorney's fees and the matter is remanded to the trial court for a hearing on attorney's fees. In all other respects, the judgment is affirmed. The parties are to bear their own costs on appeal.

Cooper, P.J.

We concur: Rubin, J.  
Flier, J.

B177392      Phillip Pace      (Not for Publication)  
v.  
Janet Summerfield

The judgment and orders under review are affirmed. Pace shall recover costs on appeal.

Cooper, P.J.

We concur: Boland, J.  
Flier, J.

B182470 People (Not for Publication)  
v.  
Feliberto Valdez

The judgment is affirmed.

Cooper, P.J.

We concur: Rubin, J.  
Boland, J.

DIVISION EIGHT (Continued)

B182894     Jeffrey Leyton et al.,            (Not for Publication)  
               v.  
               Michael Russo et al.,

The order granting the special motion to strike and dismissing the action is affirmed. Upon appropriate showing, respondents are entitled to attorneys' fees and costs on appeal.

Cooper, P.J.

We concur:   Rubin, J.  
                     Boland, J.

B186832     People    (Not for Publication)  
               v.  
               Adrian Q.,  
               In re Adrian Q., A person Coming Under the Juvenile Court Law.

The judgment is affirmed.

Boland, J.

We concur:   Rubin, Acting P.J.  
                     Flier, J.

B185140     People    (Not for Publication)  
               v.  
               Victor Yadao

The judgment is affirmed.

Cooper, P.J.

We concur:   Rubin, J.  
                     Boland, J.